

Article 16 main motion and amendments - unified view

This document shows the changes proposed by the main motion for Article 16 (additions underlined, deletions with strikethrough, both in black) and subsidiary motions to amend the main motion. Additions proposed by subsidiary motions are displayed as color-coded text, and deletions are displayed as spans of text enclosed within color-coded angle brackets with dashes: <- ... ->. For example:

Text to keep<- and text to delete-> plus new text.

applied to the original text:

Text to keep and text to delete.

would amend to:

Text to keep plus new text.

For legibility, when an item is removed from a numbered list, the following editing mark is inserted:

(subsequent items renumbered...)

Edits for subsidiary motions are color-coded as:

Goodwin Amendment 1 = red

Goodwin Amendment 2 = green

Friedman Amendment = blue

Brown Amendment = orange

Diggins Amendment = purple

TITLE V
ARTICLE
12
NOISE ABATEMENT

...

Section 3. Daytime-Only Activities

...

D. Use of Leaf Blowers Powered By Internal Combustion Engines and Transition to Electric Powered Leaf Blowers

1. For purposes of Paragraphs 1-5 of this subsection, the term, “leaf blowers” shall mean “gas-powered leaf blowers used for commercial or municipal purposes.” For purposes of this subsection, the following terms shall be defined as follows:

- (a) “Leaf blower”- Any powered machine used to blow leaves, dirt and other matter by forced air for landscape maintenance.**
- (b) “Gas powered leaf blower” – A leaf blower powered by gas or gas and oil.**
- (c) “Electric leaf blower” – A leaf blower powered by attaching a cord to an electricity source or rechargeable batteries.**
- (d) “Commercial landscaper” – A person or entity that receives compensation to utilize landscaping equipment on another’s property.**
- (e) “Resident” – The legal owner of record of real property, as listed by the tax assessor’s records, operating on their own property; tenants operating on the property for which they hold a lease; and condominium associations operating on condominium property.**
- (f) “The Town” – Town of Arlington municipal employees, operating on municipal property.**

2. The use of gas-powered leaf blowers is prohibited between <–June 15th–>May 31st and September 15th except in accordance with the following restrictions, transition and phase out schedule as set forth below. which shall not apply to the use of leaf blowers to perform emergency operations or for clean-up associated with storms, hurricanes and the like:

- (a) Commercial and Municipal Users Transition Period May 31, 2022 – March 15, 2025**

During the transition period <–from May 31, 2022 – March 15, 2025,–> gas powered leaf blowers may be operated by commercial landscape companies and the Town only between the calendar dates of March 15th – May 31st and September 15th – December 30th, during the following times:

- (i) Monday-Friday, 7:30 am – 5:30 pm;**
- <–(ii) Saturdays, 8 am – 4 pm;–>**

(subsequent item renumbered...)

- (iii) Use is prohibited on Saturdays, Sundays and Legal Holidays.

Electric powered leaf blowers may be operated by commercial landscape companies and the Town during the following times:

- (i) The full calendar year;
- (ii) Monday-Friday, 7:30 am – 5:30 pm;
- <–(iii) Saturdays, 8 am – 4 pm;–>
(subsequent item renumbered...)
- (iv) Use is prohibited on Saturdays, Sundays and Legal Holidays

(b) Commercial and Municipal Users Phase Out

As of March, 15, 2025, all use of all gas powered leaf blowers by commercial landscape companies and the Town shall be prohibited, but for the following exemptions:

- (i) The Town may use wheeled leaf blowers powered by four- stroke engines for the purposes of clearing the Minuteman Bikeway and other municipal property of an acre or more;
- (ii) The Town may use gas powered leaf blowers under emergency conditions.

(c) Resident Users Transition Period: May 31, 2022 – March 15, 2026

During the transition period<– from May 31, 2022 – March 15, 2026–>, gas powered leaf blowers may be operated by residents while on their own property <–only between the calendar dates of March 15th – May 31st and September 15th – December 30th,–> during the following times:

- <–<–(i) March 15th – May 31st and September 15th – December 30th;–>–>
- (subsequent items renumbered...)*
- (subsequent items renumbered...)*
- (ii) Mondays through Fridays, 7:30 am – 6 pm;
 - (iii) Saturdays, Sundays and Legal Holidays, 8 am – 4 pm.

Electric powered leaf blowers may be operated by residents while on their own property during the following times:

- (i) The full calendar year;
- (ii) Monday – Friday, 7:30 am – 6 pm;

(iii) Saturdays, Sundays and legal holidays, 8 am – 4 pm.

(d) Resident Users Phase Out

As of March, 15, 2026, all use of all gas powered leaf blowers by residents shall be prohibited.

~~(a) The use of leaf blowers is prohibited
on:~~

~~(i) Sundays and legal holidays;~~

~~(ii) Mondays through Fridays except between the hours of 7:30 a.m. and 5:30 p.m.; and~~

~~(iii) Saturdays except between the hours of 8:00 a.m. and 4:00 p.m.~~

~~(b)(e)~~ No more than one leaf blower may be used on any lot of 6,000 square feet or smaller. One additional leaf blower may be used for each additional 6,000 square feet or portion thereof comprising one lot.

~~(e)(f)~~ Gas powered leaf blowers may be used for no more than 30 minutes at a time with shut down time of 15 minutes in between operation.

(g) Post-Transition Electric Leaf Blower Regulation

Following the transition periods set forth in 2(a) and 2(d) of this section, electric powered leaf blowers may be operated by all users at the following times during the full calendar year:

(i) Monday – Friday, 7:30 am – 6 pm;

(ii) Saturdays, Sundays and legal holidays, 8 am – 4 pm.

3. At no time shall any leaf blower be used in such a way as to permit the distribution of leaves, dust, or other debris beyond the vertically extended lines of the property on which the leaf blower is being used.

4. Leaf blowers shall at all times be operated at the lowest possible practical speed necessary to accomplish the task for which they are being used.

5. As of June 15, 2014, or one year after the effective date of this Bylaw, whichever is later, no commercial landscaper, commercial landscape company, or other entity engaged in the business of providing home and yard repair, clean-up, and maintenance services for a fee shall use any leaf blower within the Town in the exercise of that business unless the manufacturer specifies that the sound emitted from said leaf blower is no greater than 74 dB(A) at 50 feet at full throttle.

(ART. 2, STM – 4/24/13)

~~6. The restrictions set forth herein shall not apply to homeowners and residents using leaf blowers to perform private home and yard repair, clean-up, and maintenance on residential property they own or control. Such residential use of leaf blowers of any kind shall be subject to Section 3(A) of this Bylaw ("Daytime-Only Activities")."~~

-6. Enforcement

(a) This bylaw shall be enforced by the Board of Health;

(b) Violations of this bylaw shall be subject to the following penalties:

(i) For the first violation in a calendar year, a written warning shall be issued and education on the bylaw will be provided to resident and commercial landscaper, if applicable;

(ii) For the second violation, a fine of \$100 shall be given to both the resident and commercial landscaper, if applicable;

(iii) For each subsequent violation in a calendar year, a fine of \$200 shall be given to the resident and commercial landscaper, if applicable;

(c) Reporting of Violations – Violations may be reported by any person who observes a gas-powered leaf blower in use in the Town, in violation of this bylaw, with appropriate evidence to support the claim. Witnesses to violations of this bylaw may submit a complaint to the Board of Health that must include:

(i) The name of the commercial landscaper or resident alleged to have violated this bylaw;

(ii) The location of the alleged violation;

(iii) The date and time of the alleged violation;

(iv) Any additional identifying information regarding the use of the gas-powered leaf blower.

All complaints must be submitted within seven days of the alleged violation. All complaints must be signed by the complainant before an investigation can be initiated. Photographic and recorded evidence in support of the complaint is permitted, but not required.